

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY BIGGS,

Petitioner,

No. CIV S-04-1169 FCD GGH P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Respondents.

ORDER

Petitioner has requested that this action be dismissed. On May 15, 2007, respondent filed a statement of non-opposition to this request.

Accordingly, IT IS HEREBY ORDERED that:

1. This action is dismissed without prejudice. Fed. R. Civ. P. 41(a); see also Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254.

2. The hearing set for May 31, 2007, regarding petitioner's motion to dismiss is vacated.

DATED: 5/22/07

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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